

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 77-21

ORDER REQUIRING MONTARA SANITARY DISTRICT TO  
CEASE AND DESIST FROM DISCHARGING WASTES CONTRARY  
TO REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL  
WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

I. Findings

The California Regional Water Quality Control Board, San Francisco Bay Region, finds that:

- A. On December 17, 1974, the Regional Board adopted Order No. 74-187, an NPDES Permit, prescribing waste discharge requirements for Montara Sanitary District, hereinafter referred to as the discharger.
- B. On July 15, 1975, the Regional Board adopted Order No. 75-39 to amend Order No. 74-187 to revise the compliance time schedule.
- C. On May 4, 1976, the Regional Board adopted Order No. 76-52, a Cease and Desist Order, which:
  - required compliance with the fecal coliform effluent limit by September 5, 1976;
  - required compliance with effluent limits for chlorine residual, suspended solids, and settleable solids forthwith;
  - established a new time schedule for construction of the subregional sewerage facilities; and
  - restricted additional discharges to the sewer system.
- D. The discharger has achieved substantial compliance with the effluent limits listed in Finding C above.
- E. The discharger is violating the time schedule for construction of the subregional sewerage facilities described in Finding C because of delays in construction grant processing which were beyond the discharger's control. The subregional facilities are needed to comply with some of the waste discharge requirements.
- F. The discharge requirements in Order No. 74-187 provide, in part, as follows:

"A. Effluent Limitations

...

3. The discharge of an effluent in excess of the following limits more than the percentage indicated is prohibited:

<u>Constituent</u>	<u>Unit of Measurement</u>	<u>50% of time</u>	<u>10% of time</u>
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...

b. Floating Particulates	mg/l	1.0	2.0
c. Settleable Solids	ml/l-hr	0.1	0.2

...

B. Receiving Water Limitations

1. The discharge shall not cause the following limits to be exceeded in ocean waters after initial dilution:

<u>Constituents</u>	<u>Units</u>	<u>Yearly Average</u>	<u>50 Per-centile</u>	<u>90 Per-centile</u>	<u>Maximum</u>
Grease & Oil	mg/m <sup>2</sup>	-	10	20	-
Floating Particulates	mg dry wt/m <sup>2</sup>	- -	1.0 -	1.5 -	- -
Final Toxicity Concentration	Toxicity Units	- -	- -	- -	0.05 -
Radioactivity	PCi/l	100	-	-	-

2. Floating particulates and grease and oil shall not be visible.

...

C. Discharge Prohibitions

1. Discharge within 1,000 feet offshore from the extreme low waterline and where the waste will not receive a minimum dilution ratio of 100:1 as it reaches the surface is prohibited.
2. Discharge of wastes that will adversely affect waters over rocky substrates is prohibited.
3. Wastes shall be discharged a sufficient distance from areas designated as being of special biological significance to assure maintenance of natural water quality conditions in these areas."

G. Cease and Desist Order No. 76-52 provides, in part, as follows:

"The discharger shall comply with Board Order No. 74-187 as amended for Effluent Limitations A.3.a, and A.3.b.; Receiving Water Limitations B.1., and B.2; Discharge Prohibitions C.1., C.2., and C.3. and Provision D.2.a. in accord with the following time schedule:

<u>Task</u>	<u>Completion Date</u>
...	
Submit plans and specifications for on-shore facilities to State Board	January 1, 1977
Advertise for bids on construction of on-shore facilities	April 1, 1977
Open bids for on-shore facilities	June 1, 1977
Start construction of on-shore facilities	July 15, 1977
Submit plans and specifications for off-shore outfall	August 1, 1977
Submit Phase II (predischARGE) oceanographic studies	November 15, 1977
Award contract for construction of off-shore outfall	December 1, 1977
Complete at least 25% of on-shore facilities construction	December 1, 1977
Complete at least 65% of on-shore facilities construction	August 1, 1978
Complete at least 50% of off-shore outfall construction	August 1, 1978
Complete construction of off-shore outfall	January 1, 1979
Complete construction of on-shore facilities	January 1, 1979
Full compliance	April 1, 1979"

H. Inspection by Board staff and self-monitoring and other reports from the discharger indicate that the discharger is violating or threatens to violate the requirements and time schedules listed in Findings F and G of this Order.

- I. By letters dated November 22 and December 8, 1976, and January 28, 1977, the Regional Board notified the discharger of the violation of requirements and requested immediate action to eliminate such violation.
  - J. By letter dated January 26, 1977, the discharger notified the Regional Board that each action listed in the Finding G compliance schedule will be completed within six months of the dates listed in that schedule.
  - K. On March 15, 1977, at a meeting starting at 9:30 a.m. in the Assembly Room, State Building, 1111 Jackson Street, Oakland, after due notice to the discharger, and all other affected persons, the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
  - L. The discharger is violating and threatening to violate the requirements and time schedules listed in Findings F and G above.
- II. IT IS HEREBY ORDERED THAT:
- A. The discharger cease and desist from discharging wastes contrary to requirements and time schedules listed in Findings F and G of this Order.
  - B. The discharger shall comply with Board Order No. 74-187 as amended for Effluent Limitations A.3.a, and A.3.b.; Receiving Water Limitations B.1., and B.2; Discharge Prohibitions C.1., C.2., and C.3. and Provision D.2.a. in accord with the following time schedule:

<u>Task</u>	<u>Completion Date</u>
Start design for off-shore facilities	May 15, 1977
Submit plans and specifications for on-shore facilities to State Board	July 1, 1977
Advertise for bids on construction of on-shore facilities	October 1, 1977
Open bids for on-shore facilities	December 1, 1977
Start construction of on-shore facilities	January 15, 1978
Submit plans and specifications for off-shore outfall	September 1, 1977
Complete Phase II (predischARGE) oceanographic field studies	January 15, 1978
Submit Phase II (predischARGE) oceanographic studies	February 15, 1978
Award contract for construction of off-shore outfall	January 1, 1978

<u>Task</u>	<u>Completion Date</u>
Complete at least 25% of on-shore facilities construction	June 1, 1978
Complete at least 65% of on-shore facilities construction	February 1, 1979
Complete at least 50% of off-shore outfall construction	September 1, 1978
Complete construction of off-shore outfall	July 1, 1979
Complete construction of on-shore facilities	July 1, 1979
Full compliance	October 1, 1979

- C. The discharger is required to provide to the Board by April 15, 1977, and monthly thereafter, a report, under penalty of perjury, on progress toward compliance with the provisions of this Order.
- D. If, the Executive Officer finds that the discharger has failed to comply with the provisions of this Order, he is authorized to take the following action after approval of the Board Chairman:
- request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate; and/or
  - schedule a hearing for the Board to consider whether to restrict or prohibit the volume, type, or concentration of waste that may be added to the sewer system.

If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General or schedule a hearing to consider a restriction on additional discharges to the sewer system, he is instructed to report to the Board the reasons that the discharger has been unable to comply with the provisions of this Order.

- E. Cease and Desist Order Nos. 76-52 and 76-68 are rescinded.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California<sup>a</sup> Regional Water Quality Control Board, San Francisco Bay Region, on March 15, 1977.

FRED H. DIERKER  
Executive Officer